



Lesotho

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Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the Constitution, the King filled a ceremonial role, had no executive authority, and was proscribed from actively taking part in political initiatives. In May Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, won reelection and was the Head of Government. In the May elections, the LCD won 77 of the 80 constituency based seats and the opposition Lesotho People's Congress (LPC) won 1 constituency-based seat. The remaining 2 constituency based seats were won by the LCD in by-elections held in August. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the Basotho National Party (BNP). The Government welcomed international and independent domestic observers; all observers were allowed to perform their work without hindrance. The campaign and the elections were completely free from any violence or intimidation. Domestic and international observers concluded that the election was free, fair, peaceful, lawful, and transparent. In the past, the judiciary at times was subject to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consisted of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister was the Minister of Defense, with direct authority over the LDF and the NSS. The police force was under the authority of the Minister of Home Affairs. The 1996 Lesotho Defense Act, the 1997 Regulations for Military Justice, and the 1996 and 1997 amendments to the Royal Lesotho Mounted Police Force Act brought these services under direct civilian control. The security forces had a history of intervening in the country's politics and government; however, they did not do so since an abortive army mutiny in 1998. The LDF continued to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also were undergoing comprehensive restructuring. Some members of the security forces committed human rights abuses.

The country, which has a population of approximately 2.15 million, is landlocked and surrounded by South Africa. It was almost entirely dependent on its sole neighbor for access to the outside world. Approximately 13 percent of the adult male work force worked in mines in South Africa. Per capita GDP rose 0.9 percent in local currency terms in 2000 to approximately \$400 (3,785 maloti). State-owned enterprises predominated in the agroindustrial and agribusiness sectors, but private sector activity dominated in the small manufacturing and construction sectors. Under the traditional chieftainship structure, land use and tenure were controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were unconfirmed allegations of torture by security forces and credible reports that the police at times used excessive force against detainees. Prison conditions were poor, and lengthy pretrial detention was a problem. There were long delays in trials. Domestic violence was common, and women's rights continued to be restricted severely in some areas. Societal discrimination against persons with disabilities was common. Some worker rights were restricted. Child labor was a problem in traditional agriculture and the informal sector. Lesotho was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In 1999 the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 25 members of the LDF were arrested and charged with involvement in the killing. Four of the soldiers were convicted in courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister were scheduled to resume in February; however, they were postponed at the request of the defendants and had not resumed by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices, and the Government generally respected these provisions; however, there were unconfirmed allegations of torture by security forces and credible reports that the police at times used excessive force against detainees.

Prison conditions were poor. Prison facilities were overcrowded and in disrepair.

Women were housed separately from men, and juveniles were housed separately from adults. Rape in prison reportedly was not a problem. Pretrial detainees often were held with convicted prisoners.

Prison regulations provide for visiting committees that were made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees may visit any prison without the prior knowledge of the prison director, and generally were allowed to do so. The committee reports its findings to the prison director after every inspection. The International Committee of the Red Cross (ICRC), through its regional office in Botswana, monitored prison conditions in the country during visits in February, July, and September.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Pretrial detainees were a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects could last months or even years.

The Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, magistrates appeared at times to be subject to government and chieftainship influence. There were no reports of such influence during the year.

The judiciary consisted of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which existed largely in rural areas to administer customary law.

The High Court also provided procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it did not participate in judgments. Military tribunals operating under the 1996 Defense Act have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which was composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

Persons detained or arrested in criminal cases and defendants in civil cases had the right to legal counsel; however, there was no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respected court decisions and rulings. There was no trial by jury. Criminal trials normally were adjudicated by a single High Court judge who presided, with two assessors that served in an advisory capacity. In civil cases, judges normally heard cases alone. The law provides

for granting bail, which the authorities granted regularly and generally fairly. There was a large case backlog, which led to lengthy delays in trials (see Section 1.d.).

In civil courts, women and men were accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men were denied to women (see Section 5). When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgments by a principal chief rather than a civil court, and the judgment was binding legally. This system greatly disadvantaged women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law does not protect fully citizens' privacy rights; however, there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants were required under normal circumstances, the law provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There are some prohibitions against monitoring telephone conversations. Unlike in previous years, there were no allegations that security forces monitored the telephone conversations of citizens and foreigners during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were several independent newspapers--including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies--that routinely criticized the Government. The official state-owned or state-controlled media consisted of one radio station, a 1½ hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflected official positions of the ruling party. There were four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts were available widely.

There was a lack of free access to government information, which often was described as a limitation on the free press; however, there were no other barriers that affect press coverage of government activities.

Internet services were freely available from a number of private Internet service providers.

The Government did not restrict academic freedom. Although the Government owned and administered the country's only university, the academic staff represented the full political spectrum and was free to express its views.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice. A public meeting, rally, or march did not require prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were 16 smaller, registered political parties.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The majority of the members of the Government were Christians, which reflected the religious composition of the country.

There generally was mutual understanding and cooperation between Christians and Muslims. Unlike in previous years, there were no reports of tensions between Christians and Muslims during the year.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies but had not done so by year's end. Other than these students, there was no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, which was respected in the May elections. As in 1998, the Government freely allowed international observers into the country and these observers concluded that the election was free, fair, peaceful, and lawful. In the May elections, the LCD won 77 of the 80 constituency based seats and the opposition Lesotho People's Congress (LPC) won 1 constituency-based seat. The remaining 2 constituency based seats were won by the LCD in by-elections held in August. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the Basotho National Party (BNP). The campaign and the election were completely free from any violence or intimidation. Unlike the elections of 1998 and 1993, the opposition has accepted the results and has refrained from any violent and extraconstitutional attempts to overthrow the elected Government. Instead, the BNP initiated a legal action alleging fraud, which was pending in the courts at year's end.

The Parliament was made up of 120 members, 80 constituency based members, decided by plurality vote, and 40 proportionally selected members. In the May elections, the LCD won 77 of the 80 constituency based seats and the LPC won 1. The remaining two constituency-based seats were won by the LCD in by-elections held in August to replace candidates who died during the campaigning period. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the BNP.

Countrywide voter registration was held between August 13 and September 30, 2001 to prepare updated voter rolls. The period was extended by 2 weeks at the request of opposition parties, particularly the BNP. The Government welcomed independent domestic and international observers during this process, which, according to the observers, was carried out in an orderly, peaceful, and lawful manner. The May 25 election and the process leading up to it were free from violence or intimidation. Independent domestic and international delegations concluded that the election was free, fair, peaceful, lawful, and transparent.

There were 12 women in the 80-member National Assembly, and there were 12 women in the 33-member Senate. Four women were government ministers, and two women were assistant ministers. In June the Parliament unanimously re-elected the first female Speaker of the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights were restricted severely under the traditional chieftainship system.

Women

Domestic violence against women occurred frequently, and, although dependable statistics were not available, it

was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior. A 1998 national conference on the empowerment of women noted that of 100 cases of human rights abuses, 90 involved women who were victims of domestic violence, rape, or sexual harassment.

The law prohibits rape, which is punishable by a minimum sentence of 5 years' imprisonment, with no option for a fine. The law also prohibits sexual harassment; however, in most cases, it was difficult to prove. Prostitution is illegal; however, it was difficult to police or prosecute, and it was a problem.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman is considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice. The tradition of paying a bride price (lobola) was common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created the Ministry of Gender and Youth Affairs. The Ministry funded, with small financial grants and the use of facilities, efforts by women's groups to sensitize women and society in general to the status and rights of women.

Children

The Government devoted substantial resources to primary and secondary education. Education was not compulsory even at the primary levels, and a substantial number of children did not attend school, particularly in rural areas where there were few schools, where children were involved in subsistence activities in support of their family's welfare, or where families could not afford the costs associated with school attendance, such as, fees for the purchase of uniforms, books, and materials. The problem of school nonattendance affected boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys was a prerequisite to manhood in the community, and this frequently interfered with their school enrollment. The Government began implementation of a program that provided free public education through the primary grades (1 through 6). The program commenced in all schools in the first grade during 2000, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the third grade occurred during the year, and the program was scheduled to expand to the fourth grade in 2003.

There was no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution was a problem. Young girls reportedly move to urban areas to work as prostitutes. The prevalence of commercialized child prostitution was low; however, both the Government and UNICEF agreed it was a growing problem, largely driven by poverty (see Section 6.f.).

Persons with Disabilities

Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination was common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities. The Minister of Justice, Human Rights, Rehabilitation, Law, and Constitutional Affairs is blind; he was appointed to this position in 2001.

National/Racial/Ethnic Minorities

Most citizens spoke a common language and shared common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites were active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. Unlike in previous years, there were no reports that civil unrest or riots targeted persons of Asian descent during the year.

Section 6 Worker Rights

a. The Right of Association

Under the law, workers have the right to join and form trade unions without prior government authorization. The Labor Code prohibits civil servants from joining or forming unions. The Government regarded all work by civil servants as essential. The law prohibits public employees from becoming members of trade unions established under the Labor Code; however, the law allows them to form staff associations. In response to a 2001 request by the International Labor Organization (ILO), the Government was reviewing the law in order to address concerns related to freedom of association without compromising its responsibility to provide essential services; however, there were no developments by year's end.

Under the Labor Code, prepared with the assistance of the ILO, all trade union federations must register with the Government. There were 43 trade unions and employee organizations registered with the Registrar of Trade Unions. There were four small trade union federations that rarely cooperated with one another: The Lesotho Trade Union Congress; the Lesotho Federation of Democratic Unions; the Worker's Congress of Trade Unions, and the Congress of Lesotho Trade Unions. Unions were not affiliated formally with political parties; however, the former head of the largest garment workers union was elected to Parliament as a member of the Lesotho Workers Party with substantial union support.

The labor and trade union movement was very weak and fragmented. There were several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector.

Overall unionized workers represented approximately 10 percent of the work force. Approximately 13 percent of the male labor force worked in the coal and gold mines of South Africa, and the majority of those who did not were engaged primarily in traditional agriculture. A majority of Basotho mine workers were members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM was not allowed to engage in union activities in the country.

There was credible evidence that some employers prevented union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists. The Commission of Labor, which operated as part of the Labor Ministry, was charged with investigating allegations of labor law violations (see Section 6.e.).

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members. There were no instances of governmental restrictions on the rights of workers or union members to form political parties or associations. The Lesotho Workers' Party was formed during the year and succeeded in winning one of the 40 proportional seats in Parliament.

b. The Right to Organize and Bargain Collectively

In principle all legally recognized trade unions enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually were cooperative; however, some employees were threatened with expulsion and loss of employment if they join unions. There was credible evidence that most employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers.

Following the threat of strike action over the minimum wages published by the Government in 2001, members of the Association of Lesotho Employers met with the main textile union, Lesotho Clothing and Allied Workers Union (LECAWU), and negotiated a 10 percent increase instead of the 6 percent that had been set by the Government. LECAWU and the Employers Association also agreed to meet annually to negotiate wages independent of the minimum set by the Government. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

The law provides for the right to strike; however, no legally authorized strike has occurred since independence in 1966. Because civil servants generally were not allowed to strike, all public sector industrial actions were by definition unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their

members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes. There were no violent strike-related incidents during the year.

The Labor Code was amended in 2000 to establish a Directorate of Dispute Prevention and Resolution within the Ministry of Employment and Labor. The Directorate started hearing cases in January and has won praise from the union movement for prompt disposition of cases brought before it.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly were employed in family-owned businesses. Many urban street children work in the informal sector. Most of the jobs in which children find themselves were gender-specific: Boys (as young as ages 4 and 5) were livestock herders; girls were domestic servants; boys carry packages for shoppers, wash cars, and collect fares for minibus taxis; teenage girls (and a few boys) were involved in prostitution; and both boys and girls work as street vendors. Although there were allegations of child labor in the textile and garment sector, investigations by UNICEF, the ILO, and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was staffed adequately and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock herdboys were considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The emphasis on traditional socialization methods to the exclusion of formal education continued the cycle of poverty for most youth. Child labor laws covered all sectors except for the agricultural sector.

e. Acceptable Conditions of Work

In general wages were low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers was \$80 (648 maloti), and \$140 (1,129 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplemented their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there also was reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage.

The Labor Code provides for basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick and public holidays; however, employers did not always respect these rights in practice. Required overtime was legal so long as overtime wages were paid for work in excess of the legally mandated 45-hour workweek. Inspections by both buyer's representatives and the Labor Department have ensured that workers were paid the proper overtime rate for any overtime hours worked.

There were allegations in 2001 that some companies paid below minimum wage, enforced long hours sometimes by locking in workers, and deducted wages when employees were found talking or taking more than one break a day. Some employers, particularly small businesses, allegedly refused sick-pay leave and engaged in unfair dismissal practices. The majority of complaints dealing with these issues were brought to the Directorate of Dispute Prevention and Resolution, where they were resolved within weeks. Only 10 percent of the complaints filed with the Directorate concerned the textile sector.

A second judge has been appointed to the Labor Court, which transferred its pending unfair dismissal cases to the Directorate of Dispute Prevention and Resolution, thus eliminating the court's former case backlog. The Labor Commission was staffed adequately and handled most complaints within a 1-month period; it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories four times per year. The Labor Commission was authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it did not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The law provides for a compensation system for industrial injuries and diseases arising out of and in the course of employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas. There are regulations in force concerning welding and cutting, noise, and spray painting. Regulations on construction and chemical safety were being promulgated. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal. The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specified differently.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports of trafficking.

The Government and the local UNICEF office recognized that poverty and the high incidence of HIV/AIDS has led to a growing problem of transactional sex practiced by under aged girls who were in many cases orphans. A recent UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial enterprise and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the Government agreed, that while the numbers remained small, the trend toward commercial prostitution by children under age 18 was a growing problem in the country. The Minister of Home Affairs asked UNICEF for financial support and technical assistance to establish a child protection unit within the police force, similar to programs that have been established in South Africa and Namibia with UNICEF support. At present, there is little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who were moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking in persons during the year.